

CLERK'S OFFICE U.S. DIST. COURT
AT ROANOKE, VAFILED
for CV
DEC 03 2012IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
CHARLOTTESVILLE DIVISIONJULIA C. DUDLEY, CLERK
BY: *[Signature]*
DEPUTY CLERK

SMART CHOICE CONSTRUCTION, INC.,)	
)	Civil Action No. 3:12CV00021
Plaintiff,)	
)	<u>ORDER</u>
v.)	
)	By: Hon. Glen E. Conrad
CECO BUILDING SYSTEMS, <u>et al.</u> ,)	Chief United States District Judge
)	
Defendants.)	

For the reasons stated in the accompanying memorandum opinion, it is hereby

ORDERED

as follows:

1. Ceko Building System's ("Ceko's") motion to dismiss the original complaint is **DENIED** as moot;
2. The plaintiff's claim against Ceko in the amended complaint is **SEVERED** from the claim asserted against Wayne's Erecting, Inc. ("Wayne's Erecting"), thereby creating separate actions against the defendants;
3. Ceko's motion to transfer the Ceko action is **GRANTED**, and such action is **TRANSFERRED** to the United States District Court for the Southern District of Texas, Houston Division, for all further proceedings; and
4. The court will retain jurisdiction over the action against Wayne's Erecting.

The Clerk is directed to transfer a copy of the file to the Houston Division of the Southern District of Texas upon entry of this order. The Clerk is further directed to send certified copies of the order and the accompanying memorandum opinion to all counsel of record.

ENTER: This 3rd day of December, 2012.

[Signature]

Chief United States District Judge